

CC7JTRAS

Sentence

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

-----x

3 UNITED STATES OF AMERICA,

4 v.

S4 09 Cr. 1239-8 PKC

5 FELIX TRANGHESE, et al.,

6 Defendants.

7 -----x

8
9 December 7, 2012
10 12:10 p.m.

11
12 Before:

13 HON. P. KEVIN CASTEL,

14 District Judge

15
16 APPEARANCES

17
18 PREET BHARARA,
19 United States Attorney for the
20 Southern District of New York
21 NICHOLAS LLOYD McQUAID,
22 DANIEL SACHS GOLDMAN,
23 Assistant United States Attorneys

24 F. MICHAEL JOSEPH,
25 Attorney for defendant Tranghese

Also Present:
JOY ADAM, Special Agent FBI

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1 (In open court)

2 (Case called)

3 THE COURT: Please be seated.

4 Good afternoon, Mr. Joseph. What I want to begin by
5 doing is going through the materials I have, and the question
6 will be whether I have everything I should have.

7 MR. JOSEPH: Very well, your Honor.

8 THE COURT: You can be seated while I do this.

9 I have a presentence report, recommendation and
10 addendum approved by Probation on or about November 27th, 2012.
11 I have a sentencing memorandum from you, dated November 27,
12 2012, which is accompanied by a binder of materials that
13 includes materials about I guess a chronology of
14 Mr. Tranghese's life and various letters that are enclosed with
15 it. I have the government's sentencing memorandum which, while
16 I don't have an exact date on it, is nine pages in length.

17 Do I have everything I should have?

18 MR. JOSEPH: Yes, your Honor.

19 THE COURT: Has the defendant, in fact, read, reviewed
20 and discussed with you the foregoing materials?

21 MR. JOSEPH: Yes, your Honor.

22 THE COURT: Does the defendant have any objections to
23 the facts set forth in the presentence report?

24 MR. JOSEPH: None, your Honor.

25 THE COURT: Does the defendant have any objections to

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1 the facts set forth in the government's sentencing memorandum?

2 MR. JOSEPH: No, your Honor.

3 THE COURT: Does the defendant have any objections to
4 the guideline calculations set forth in the presentence report?

5 MR. JOSEPH: No, your Honor.

6 THE COURT: Thank you.

7 Mr. McQuaid, do I have everything I should have?

8 MR. McQUAID: Yes, Judge.

9 THE COURT: I will also note just for the record here,
10 I see that I also have a letter, dated September 26, 2012, from
11 the Geo Group that operates a correctional facility, and they
12 speak about the defendant's work. So I have that as well.

13 Does the government have any objections to the facts
14 set forth in the presentence report?

15 MR. McQUAID: No, Judge, nor the guidelines
16 calculation.

17 THE COURT: At this point, I will hear the
18 government's motion under 3553 (e).

19 MR. McQUAID: Thank you, Judge.

20 Judge, I'll be brief and will rely primarily on the
21 submission that we made to your Honor. First of all, as a
22 matter of procedure, we do formally move under 5K1 for a below
23 guidelines sentence for Mr. Traghese and to remove the
24 mandatory minimums.

25 THE COURT: Without objection, based on my review of

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1 the submissions, that application is granted.

2 MR. McQUAID: Thank you, your Honor.

3 Your Honor, I would emphasize three points I think
4 jump off the page in both the government's submission, but also
5 your Honor has obviously seen Mr. Tranghese testify twice
6 before your Honor, but I think they all bear emphasis in
7 fashioning an appropriate sentence.

8 The first is the significance of Mr. Tranghese's
9 cooperation. He was a critical witness at our trials against
10 the Geas brothers and again guns Emilio Fusco. His testimony
11 regarding the Bruno murder was critical to the government's
12 case. It explained the story. It connected the various
13 players, and without it the government's case would have been
14 significantly weaker.

15 That testimony resulted in the conviction of the Geas
16 brothers and Mr. Bruno and obviously contributed to your
17 Honor's determination of the appropriate sentence for Mr. Fusco
18 because your Honor found by the evidence at trial that by a
19 preponderance that he was responsible for that murder. That is
20 substantial assistance, in our view, against very important
21 criminals and was a substantial assistance to the government.

22 The second point, your Honor, and I think this is
23 equally important, is that the decision that Mr. Tranghese made
24 to cooperate against the Genovese crime family is by any
25 estimation a courageous one. There is no question at this

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1 trial, the trials your Honor sat through were fine examples of
2 this, and your Honor was already familiar with this, that the
3 mob takes cooperation terribly seriously, in fact, the most
4 seriously of any offense that can be done against them, and
5 Mr. Tranghese knows that and still made the decision to accept
6 responsibility for his own actions and to be willing to take
7 the stand in open court and reveal his cooperation.

8 He did that talking about a set of events where people
9 died for that same action who only spoke once to an FBI agent.
10 That is courageous by any stretch and is worthy of serious
11 consideration in fashioning an appropriate sentence.

12 The final point, and I think this also was clear from
13 seeing Mr. Tranghese in court, is that in dealing with the
14 agents and dealing with the prosecutors, he was a gentleman, he
15 was easy to work with, and was respectful, responsive, focused
16 and made every effort to be a good witness. He was a pleasure
17 to deal with as a prosecutor and for the agents as well. I
18 think that is important, but less important than the other two
19 considerations but something that should be considered as well.

20 So if your Honor has any questions, I am happy to
21 answer them, but otherwise we are happy to rest on our
22 submission.

23 THE COURT: All right. I think at this point, is
24 there a victim statement to be made?

25 MR. McQUAID: There is. Mr. Bruno would like to be

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1 heard at sentencing, and he is here in court today.

2 THE COURT: This is perhaps an appropriate time.

3 Mr. Bruno.

4 MR. VICTOR BRUNO: Thank you, your Honor.

5 Felix, November 23rd, 2003, from then until now I
6 can't begin to describe what I've been through and still go
7 through. You took my father, my best friend, away from me. I
8 think about that every day.

9 I think about things like what I could have done, how
10 I could have prevented it. I think about how my father will
11 never meet my daughter or the rest of my family. He is gone.
12 It is very hard for me to let go.

13 I don't expect you to care because I've known you most
14 of my life. I watched your testimony and I thought you were
15 supposed to tell the truth under oath. You want to know what
16 you did? You did a horrible job on the stand portraying the
17 fact that you were a street guy with morals and only robbed
18 guys, street guys. Well, I know the real Felix Tranghese. He
19 is a much different guy as he portrayed in his notes and to the
20 government.

21 As long as I can remember he has lied and robbed
22 everyone that crossed in his path. Your lies were known from
23 coast to coast in every family in organized crime. I know
24 first hand he lost every sitdown meeting with his own brothers.
25 My father used to say you tell one lie, you tell a thousand.

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1 In my life, you can't do this. You could have run any
2 business without supervision. You robbed even legitimate
3 people. If they were your partners, they were forced out by
4 intimidation or left because the business eventually failed.
5 You were a failure at everything you've done.

6 One thing my father told me before he was murdered,
7 two guys he proposed in my life turned on me. That was you and
8 Anthony Arillotta.

9 You guys organized my father's murder. My father
10 proposed you to become a member in 1982. You made a decision
11 on your own. You wanted to become a member. You should have
12 stayed in the Air Force and became a man, not a rat like your
13 accomplice Anthony Arillotta.

14 You were always jealous of my father from his
15 political connections on the street and in business. You
16 couldn't travel in many circles that he could. He was a man of
17 honor, integrity, dignity and loyalty, a family man. He
18 donated to charities, he helped the poor and unfortunate, and
19 then believed in certain things, drugs and prostitution.

20 He chose his life and he paid his debt to society when
21 he broke the law. I bet you I couldn't find one person to say
22 one good thing about you except the government because today
23 they will ask the judge for leniency for your cooperation.

24 Well, your Honor, I want to ask you opposite. I want
25 to ask you, you give him life. Yes, life for taking my

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1 father's life, not a reward for the lies and useless
2 information he provided. Keep in mind the government had
3 already obtained the 30 pieces of silver from Anthony
4 Arillotta, Frank Roche and Mario Ambisi, and last but not
5 lease, the FBI informant John Bologna.

6 Felix, you were quick to turn on my father, and one
7 day in early 2000 you came into my restaurant. I said what's
8 he doing here? My father replied: I'm going to give him
9 another chance. I said what is your famous line? He said
10 leopards don't change their spots. I am going to give him
11 another chance, and the traitor came out in you again.

12 Later you get together with Anthony and John to
13 discuss my father was an informant. You knew my father loved
14 who he was. He would never become a rat like you. I have read
15 the 302 report with Special Agent Fagenses which was written to
16 my father in 2002. That document and the PSR was grossly put
17 together.

18 That was all Felix and Anthony needed. They plotted
19 to kill my father, portraying him as a rat, which was proven to
20 be untrue, and you knew it, but neither of you nor the
21 government cared. That was enough to seal his fate. He was a
22 dead man walking.

23 You had no regard for him or his family, nor did the
24 government. Respectfully, two days before my father's murder,
25 your Honor, the FBI were listening live trying to set my father

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1 up on a real estate scam for another individual trying to get
2 himself out of government sentence.

3 All you could see is the facts that you would be the
4 next boss in Springfield. You were next in line. You would
5 get your revenge because Anthony Arillotta told you stories of
6 how my father dug a hole for you and his orders, while he was
7 on the, "pay no mind list." That was a good one and I've got
8 to give Anthony credit for that.

9 You were played. You were outsmarted by the same
10 Judas that fooled my father, Anthony Arillotta. He was already
11 made, orchestrating the plot to murder my father and again the
12 FBI informant, John Bologna.

13 Your Honor, it baffles me that Felix was complicit of
14 my father's murder along with Anthony and John Bologna, that
15 Frank Roche would get a reduced sentence, yet you give Felix --
16 that you give Mr. Fusco 25 years, and he was absolved of the
17 two murders at the last trial. I wonder how this Court will
18 reward this noble fellow.

19 In closing, your Honor, this man and the next three
20 informants that will come before you, I feel they were
21 instrumental in the assassination of my father. Despite the
22 fact my father was in that life, a cold-blooded murder should
23 not be justified. Felix comes before you today to absolve
24 himself for the punishment he richly deserves.

25 And, Felix, I have to say to you, I hope your sole

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1 will burn like the scar in the palm of your hand that day that
2 you were inducted into the family for what you've done to my
3 father.

4 THE COURT: Thank you, Mr. Bruno.

5 MR. VICTOR BRUNO: Thank you, your Honor.

6 THE COURT: All right. Mr. Joseph, this is your
7 opportunity to speak.

8 MR. JOSEPH: Thank you, your Honor. May I use the
9 podium?

10 THE COURT: You may.

11 MR. JOSEPH: Your Honor, at the outset I would like to
12 tell you that Mr. Tranghese accepts complete and full
13 responsibility for all of the crimes that he has committed and
14 for the crimes that he has pled guilty to before you, your
15 Honor, and also at the outset I will ask you to allow
16 Mr. Tranghese to return home today for time-served.

17 I am not asking you to do that for the reasons
18 normally given. You were here during both trials. You know
19 what Felix Tranghese did. You also know what he didn't do.

20 I am not here to tell you any different. Those were
21 the trials and that's what happened. I am here to tell you
22 about Felix, the man. I have known the Tranghese family for
23 about 40 years, for as long as I've practiced law and a little
24 before that. I knew Felix when he was a high school senior,
25 and 40 years later we are here before you, your Honor, for your

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1 judgment.

2 Felix, the man, is an outstanding citizen. Everybody
3 that comes before your Honor says his family misses him, his
4 children need him, his mother and father are brokenhearted.

5 That is true with Felix. His wife, his children sit
6 before you, and while I'm talking about his children, his two
7 boys, I might also tell you, which is the reflection of Felix
8 Tranghese, they are straight A students in East Long Meadow
9 High School, and I even have their transcripts here for your
10 review if you would like to do so. B plus to A plus, football
11 players, sports enthusiasts and community members.

12 The main reason why Felix Tranghese should go home
13 besides his cooperation, besides the tremendous danger
14 exhibited or put on him because of what he did in this
15 courtroom, and believe me, it is real, as you know, is again
16 Felix the man.

17 In my memorandum to you, I gave you some examples of
18 people who have a very high regard for Felix Tranghese, as do
19 I. There is a letter from the CEO of a very prominent
20 international corporation that you received that talks about a
21 little boy that had autism that played football. Felix not
22 only took him under his wing, but Felix took a course in how to
23 deal with autistic children to deal with this young lad.

24 There are letters that you've read that talk about
25 kids that were hurt, and Felix was the only one that came to

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1 their aid. There is a letter there from his prior employer,
2 raving about Felix Tranghese's performance. He has always been
3 a gentleman and an asset to the company, and he has a job
4 waiting.

5 Again I told you that I've known the Tranghese family
6 for 40 years, and his mother who he lost about two months ago,
7 and his father is in a nursing home right now, he is 95, and a
8 super, super gentleman, he is not here today.

9 But Mr. Felix Tranghese treated his family, treated
10 the community he lived in and also treated himself as always an
11 employed businessman who always had a job, always had a
12 restaurant, always did business. He's not a guy that hung out
13 at bars at night with the rest of them or in the coffee shops.
14 He was hard at work coaching football, designing restaurants.

15 As a matter of fact, I brought a cookbook that he made
16 himself. It is dedicated to his mother, Lucille, and I would
17 give it to your Honor, but it is my last copy. You may peruse
18 it if you like.

19 You also got a letter from the warden, which I must
20 tell you is totally unsolicited. But lastly, your Honor, I
21 really have to impress upon you that I know this man. He has
22 been out of that business for many, many years. He has got his
23 own business. He is his own man and he is extremely an asset
24 to whoever comes in contact with him.

25 Even though I said I am not here to tell you that I am

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1 here to ask you for time-served because of his family, Felix
2 Tranghese is the ultimate father. He is the ultimate husband.
3 He is the ultimate brother. He is the ultimate son, and he is,
4 indeed, an ultimate citizen.

5 Thank you for your time.

6 THE COURT: Thank you.

7 Mr. Tranghese, this is your opportunity to speak, to
8 address the court directly, to bring to my attention any facts
9 or circumstances that you believe I should take account of
10 today. If there is anything you wish to say, this is the time
11 to say it.

12 THE DEFENDANT: I think my attorney covered everything
13 for me, sir. It is just the way I feel is what he said.

14 THE COURT: Thank you.

15 THE DEFENDANT: I appreciate the opportunity.

16 THE COURT: This is the court's statement of the
17 reasons for the sentence to be imposed on Felix Tranghese.

18 In sentencing Mr. Tranghese, I've taken into account
19 all of the materials I cited at the outset, including, or I
20 should say in addition to those materials, the two trials in
21 which Mr. Tranghese testified as a witness over which I
22 presided. I've considered each of the factors set forth in the
23 sentencing statute, Section 3553 (a). I need not recount all
24 that I've considered, but I will mention some of it.

25 The defendant entered a plea of guilty to seven counts

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1 of the charging document, including participation in a
2 conspiracy, and aiding the murder of Adolfo Bruno,
3 participating in extortion activities, threatening injury to
4 owners of a vending machine business and other activities.

5 Mr. Tranghese was a made member of the Genovese crime
6 family. He was placed on the shelf or put on the "pay him no
7 mind" list in or about 2006. I've considered the history and
8 characteristics of the defendant. The defendant is about 60
9 years of age. He had a very promising beginning in his life,
10 and at one point appears was accepted to the United States
11 Military Academy at West Point. An injury precluded him from
12 attending, but he got off the track.

13 He appears to have had a good upbringing, and yet he
14 went seriously off the track and a man who probably didn't need
15 to, as it later turned out. He was able to hold a job April
16 2008 to July 2010, which for that brief period at least paid
17 handsomely. During the prior period of incarceration he had
18 aviation ground school training. He was in the U.S. Air Force.
19 This is a man who could have taken a different route, but did
20 not.

21 He participated in the conspiracy to murder Adolfo
22 Bruno by bringing an excerpt from Emilio Fusco's presentence
23 report to Mr. Nigro in New York and others, and that led to the
24 order being given to kill Mr. Bruno, and he was, in fact,
25 killed.

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1 Mr. Tranghese did not, so far as I could tell from the
2 testimony before me, stand in any leadership position within
3 this operation, and as noted, to I think to his disappointment
4 and upset-ment, he was shelved.

5 There has been good in the man's life. I read the
6 materials Mr. Joseph referenced, and I can see that. It really
7 says more to me that it could have been a different path than
8 the path that was taken.

9 I've considered the need to impose just punishment, to
10 deter others from crimes of this nature and to protect the
11 public from further crimes of this defendant. Let me say that
12 in terms of protecting the public from further crimes of this
13 defendant, I believe that Mr. Tranghese has turned the corner
14 and I think there is little concern that I perceive at this
15 stage of his life.

16 Just punishment and deterrence of others remains a
17 consideration. Well, first of all, the statute would permit
18 life imprisonment on each count, up to 20 years on each count.
19 Count 6 and 7. 1, 2, 3 and 5 have a max of life. Count 13 is
20 up to five years. The guideline calculation, apart from
21 Mr. Tranghese's cooperation, would suggest a sentence in the
22 range of 292 to 365 months.

23 While every case is different, I note that two of the
24 participants, three of the participants in the Bruno murder,
25 Arthur Nigro, Ty Geas, Fotios Geas, each received sentences of

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1 life without the possibility of parole. These are individuals
2 against whom Mr. Tranghese testified. Mr. Tranghese did
3 something right, and what he did that was right, I say, as a
4 person who has never worked one hour of one day in my entire
5 life in a prosecutor's office -- in fact, I've never worked for
6 any government agency. I'm a member of the judicial branch of
7 government, which is set up in Article III of the Constitution.
8 I don't work for people who are in the executive or legislative
9 branch set up under Articles I and II of the Constitution.

10 I have life tenure and I have my own opinions, and my
11 opinion is that Mr. Tranghese did something right when he
12 decided to finally renounce and to testify against others who
13 had participated in the crimes of the Genovese crime family.
14 He made the decision to assist in eradicating those who
15 continue to support, aid and participate in the activities of
16 organized crime.

17 If you start from the standpoint that organized crime
18 has a right to exist, then it is a proper activity and a worthy
19 activity, then you would see Mr. Tranghese as a traitor and a
20 rat. I don't see it that way. The Genovese crime family has
21 no right to exist in a lawful, law-abiding society. It is an
22 organization that engages in criminal acts, and Mr. Tranghese,
23 for undoubtedly very selfish reasons, not for virtuous reasons,
24 but to help himself, finally renounced that life and agreed to
25 testify against others.

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1 I heard his testimony. I saw the man. I heard the
2 cross-examination, cross-examination in the first trial by
3 three teams of lawyers. I say, "teams." Each of the
4 defendants was represented by two counsel, and then at the
5 second trial by the defense counsel for that defendant.

6 Based on my view of Mr. Tranghese's testimony, I
7 believe he testified truthfully, and to reward those who
8 renounce organized crime and agree to make amends by
9 testifying, there should be consideration at the time of
10 sentencing. It is an appropriate thing to do to encourage
11 others to likewise cooperate and extinguish organized crime in
12 this country, a noble concept.

13 Based on all the surrounding facts and circumstances,
14 I conclude there should be a sentence on Counts 1, 2, 3, 5, 6,
15 7 and 13 of 48 months on each count, to run concurrently, and
16 to be followed by three years of supervised release on each
17 count, with waiver of the fine based on the present
18 circumstances of relatively limited assets and no earning
19 ability is appropriate.

20 Is the government seeking forfeiture in this case?

21 MR. McQUAID: No, your Honor.

22 THE COURT: All right. A special assessment of
23 \$700.00 is sufficient but not greater than necessary to achieve
24 the purposes of Section 3553 (a). Does the defendant or his
25 counsel have any objection in the court's proposed section or

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1 the statement of reasons for that sentence?

2 MR. JOSEPH: No, your Honor.

3 THE COURT: Does the government have any such
4 objection to the sentence or to the statement of reasons for
5 the sentence?

6 MR. McQUAID: No, Judge.

7 THE COURT: The defendant will please stand, and I
8 will pronounce sentence.

9 Felix Tranghese, it is the judgment of this Court that
10 you are hereby remanded to the custody of the United States
11 Bureau of Prisons, to be imprisoned on Counts 1, 2, 3, 5, 6, 7
12 and 13 for 48 months on each count, to run concurrently, and
13 three years supervised release on each of those counts to run
14 concurrently, with the following terms and conditions:

15 You shall not commit another federal, state or local
16 crime, nor illegally possess a controlled substance, nor
17 possess a firearm or destructive device. The mandatory drug
18 testing condition is suspended based on the court's
19 determination that the defendant poses a low risk of future
20 substance abuse. The defendant shall cooperate in the
21 collection of DNA as directed by the probation officer.

22 The defendant shall submit his person, residence,
23 place of business, vehicle or any other premises under his
24 control to a search, on the basis that the probation officer
25 has reasonable belief that contraband or evidence of a

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1 violation of the conditions of the release may be found. The
2 search must be conducted at a reasonable time and in a
3 reasonable manner. Failure to submit to a search may be
4 grounds for revocation.

5 The defendant shall inform any other residents that
6 the premises may be subject to search pursuant to this
7 condition. You shall provide the probation officer with access
8 to any requested financial information during the period of
9 time that there is any outstanding criminal penalty, which I
10 don't see other than the \$700.00 special assessment.

11 You shall report to the nearest Probation Office
12 within 72 hours of release from custody and you may be
13 supervised in the district of your residence. You shall pay to
14 the United States a special assessment of \$700.00, which shall
15 be due immediately. For the reasons stated, the fine is waived
16 in this case. As noted, forfeiture is not sought.

17 Mr. Tranghese, you have the right to appeal the
18 sentence that I have imposed on you. If you cannot afford the
19 cost of an appeal, you may apply for leave to appeal as a poor
20 person. If you request, the Clerk of Court will prepare and
21 file a notice of appeal on your behalf immediately.

22 Do you understand all of that?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Please be seated.

25 Is there anything further from the government?

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1 MR. McQUAID: No, Judge. Thank you.

2 THE COURT: Is there anything further from the
3 defendant?

4 MR. JOSEPH: Yes, your Honor. If you could, could
5 Mr. Tranghese be remanded to the Hammond County House of
6 Correction which is Ludlow, Massachusetts.

7 THE COURT: I can recommend to the Bureau of Prisons
8 that it consider incarcerating Mr. Tranghese in a facility as
9 close as possible to Springfield to facilitate family visits.

10 There are challenges in a case like this as to place
11 of incarceration, and I would not make a recommendation of a
12 specific facility, but make that broader recommendation, and
13 you're free to present whatever arguments you want to the
14 Bureau of Prisons.

15 MR. JOSEPH: Thank you.

16 THE COURT: Are there any underlying charging
17 documents?

18 MR. McQUAID: Judge, I don't think there are. I think
19 he pled to the original one he was charged in. To the extent I
20 am wrong, I move to dismiss the underlying charges.

21 THE COURT: Without objection, that would be granted.

22 Mr. Tranghese, there is quite a bit to think about
23 about your past life and amends that you have to make for that
24 past life, and you also have to focus on the family that stood
25 by you and the future that is ahead of you. I wish you the

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very best.

THE DEFENDANT: Thank you.

MR. JOSEPH: Thank you, your Honor.

(Court adjourned)